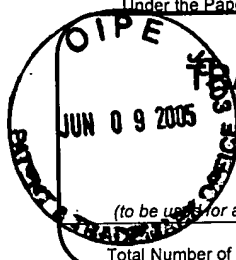


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FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

|                        |                         |
|------------------------|-------------------------|
| Application Number     | 10/701,262              |
| Filing Date            | 11/03/2003              |
| First Named Inventor   | Richard L. Klein et al. |
| Art Unit               | 1742                    |
| Examiner Name          |                         |
| Attorney Docket Number | 51298-00001             |

## ENCLOSURES (Check all that apply)

|   |  |  |
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| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>1. Postage paid postcard. |
| Remarks   |  |  |

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|              |                           |          |        |
|--------------|---------------------------|----------|--------|
| Firm Name    | Preston Gates & Ellis LLP |          |        |
| Signature    | <i>Michelle S. Glasky</i> |          |        |
| Printed name | Michelle S. Glasky, Ph.D. |          |        |
| Date         | 6/7/05                    | Reg. No. | 54,124 |

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

|                       |             |      |        |
|-----------------------|-------------|------|--------|
| Signature             | Maria Nadal |      |        |
| Typed or printed name | Maria Nadal | Date | 6/7/05 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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*Maria Nadal*

Maria Nadal

## **PATENT**

Inventor: Richard L. Klein et al.

Serial No.: 10/701,262

Filing Date: 11/03/2003

Title: Metallic Composite Coating  
for Delivery of Therapeutic  
Agents From the Surface of  
Implantable Devices

Examiner:

Group Art Unit: **1742**

Atty Docket No.: 51298-00001 US

## **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

### **SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT TRANSMITTAL LETTER**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97 and 1.98, and in accordance with the provisions in the Manual of Patent Examining Procedure §§609 and 707.05(b), enclosed is a copy of the substitute for FORM PTO-1449 listing the references that are known to applicant. Applicants enclose copies of each of the listed references which are not U.S. patents.

This art is being filed for consideration in compliance with § 1.97 within the following time period:

37 C.F.R. § 1.97 (b) This information is being filed for consideration and entry before the mailing date of any of a first office action on the merits.

The submission of the above-described documents does not constitute an admission nor should it be construed as a representation that: a search has been made, or that it is material to patentability as defined in § 1.56(b).

Applicant: Richard L. Klein et al.  
Serial No.: 10/701,262  
Group Art Unit: 1742

PATENT  
Docket No. 51298-00001 US

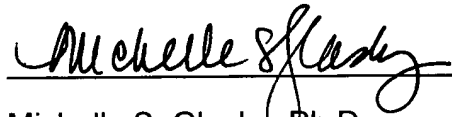
Applicant reserves the right to antedate or otherwise remove the documents as references.

It is respectfully requested that the listed references be considered in the examination of this application and identified on the list of references cited on the patent issuing for this application. Applicant also requests that an initialed copy of the substitute for FORM PTO-1449 be entered in the application file and returned to applicant with the next communication from the Office in accordance with MPEP § 609.

Applicants believe no fee is due with this filing, however, if it is deemed that a fee is due, the Director is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3207 associated with this response.

Respectfully submitted,

Dated: 6/7/05



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Substitute for form 1449A/PTO

Complete if Known

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

|                        |                  |
|------------------------|------------------|
| Application Number     | 10/701,262       |
| Filing Date            | 11/03/2003       |
| First Named Inventor   | Richard L. Klein |
| Group Art Unit         | 1742             |
| Examiner Name          |                  |
| Attorney Docket Number | 51298-00001 US   |

## U.S. PATENT DOCUMENTS

| Examiner<br>Initials | Cite<br>No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited<br>Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|----------------------|--------------------------|--|--------------------------------|---|---|
|                      |                          | Number-Kind Code <sup>2</sup> (if known) |                                |   |   |
|                      |                          | US - 5,064,435                           | 11/12/1991                     | Porter  |   |
|                      |                          | US - 6,019,784                           | 02/01/2000                     | Hines et al.  |   |
|                      |                          | US - 2002/0055770                        | 05/09/2002                     | Doran et al.  |   |
|                      |                          | US - 2003/0028242                        | 02/06/2003                     | Vallana et al.  |   |
|                      |                          | US -                                     |                                |   |   |
|                      |                          | US -                                     |                                |   |   |
|                      |                          | US -                                     |                                |   |   |

## FOREIGN PATENT DOCUMENTS

| Examiner<br>Initials | Cite<br>No. <sup>1</sup> | Foreign Patent Document  | Publication<br>Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant<br>Passages or Relevant<br>Figures Appear | T <sup>6</sup> |
|----------------------|--------------------------|--|-----------------------------------|--|--|----------------|
|                      |                          | County Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known) |                                   |  |  |                |
|                      |                          | GB 1137960   | 12/27/1968                        | Clevite Corporation                                |  |                |
|                      |                          | DE 10113030  | 09/19/2002                        | GFE Metalle UND                                    |  |                |
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## NON PATENT LITERATURE DOCUMENTS

| Examiner<br>Initials | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|----------------------|--------------------------|---|----------------|
|                      |                          |   |                |
|                      |                          |   |                |
|                      |                          |   |                |

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.4. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent documents. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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